

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 28, 1957  
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Miller presiding.

## Roll call:

Present: Councilmen Long, Palmer, White, Mayor Miller  
Absent: Councilman Pearson

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works.

Invocation was delivered by FATHER WM. F. BLAKESLEE, C.S.P., St. Austin Catholic Church, 2010 Guadalupe.

Councilman White moved that the Minutes of the Meeting of February 21st and of February 11th be approved. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller  
Noes: None  
Absent: Councilman Pearson

The Mayor brought up for consideration the matter of closing the alley between Avondale Road, Travis Heights Boulevard, Milam Place and Alta Vista, decision having been postponed from the week before. He read a letter from MR. W. R. NABOURS stating he was not proposing nor opposing the opening nor closing of the alley, but he was not willing to be assessed for paving cost unless it would serve a more general purpose. The Holcombs were not in favor of closing the alley nor opening it and being assessed for paving. MR. JOHN PAYNE submitted names of owners of 376' opposed to closing the alley, and names of owners of 479.6' willing to close the alley but preferring to have it opened. He stated 72% had agreed to pay for the paving; 28% opposed to paving; 83.25% of the property owners willing to open the alley. The Mayor suggested taking bids and seeing what percentage of the money came in. Councilman Long moved that the City Manager be instructed to have bids taken on the paving of the alley. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller  
Noes: None  
Absent: Councilman Pearson

The Mayor asked that figures be submitted on the costs of the storm sewer lines.

MR. JACK HARRIS filed the following application of the Capital Cable Company, (Messrs. Hiram Reed, C. W. Voyles and Frank Robinson, and the LBJ Company) a subsidiary of Midwest Video Corporation:

"MIDWEST VIDEO CORPORATION  
Telephone FR 5-8885  
PYRAMID LIFE BUILDING

"C. E. Palmer, President  
Paul Leird, Vice-President  
Frank Newell, Secretary  
R. A. Lile, Treasurer  
Allen Garner, Director  
A. B. Cobb, Director  
J. L. Hargrove, Director  
Dave Grundfest, Director

"LITTLE ROCK, ARKANSAS  
February 28, 1957

"The Honorable Mayor and  
Members of the City Council  
Austin, Texas

"Lady and Gentlemen of the Council:

"On January 10, 1957, our group, consisting of this Company and Messrs. Hiram Reed, C. W. Voyles and Frank Robinson, and a second group, The LBJ Company, owner and operator of KTBC-TV, were represented before your Honorable Body, each making known its intention to seek authority to construct and operate a community antenna system in the City of Austin.

"Today we are pleased to advise you that these two groups have joined hands and that a Texas corporation to be known as Capital Cable Company, with offices at Austin, will be shortly organized and that application is here now made in the name of such corporation for such authority.

"The Texas corporation on whose behalf this application is made will be a wholly owned subsidiary of Midwest Video Corporation. By agreement between all parties, Messrs. Reed, Voyles and Robinson will be given an opportunity to acquire stock in Midwest; and The LBJ Company will be given an opportunity to acquire stock in the Texas corporation. Thus we now present a united front.

"We request the City to pass an ordinance authorizing the Texas corporation, Capital Cable Company, to construct, erect, operate, etc., in, upon, along, etc., the streets, alleys, etc., in the City, poles, wires, etc., for the maintenance and operation in the City of a community antenna system for the interception, sale and distribution of electronic impulses.

"We have caused to be prepared and hand you herewith an Ordinance thought to be sufficient for the purpose contemplated. We are to be represented during the pendency of this application and the passage of the Ordinance requested by J. M. Harris who previously appeared on behalf of Midwest and its associates, and Everett L. Looney who previously appeared on behalf of The LBJ Company.

"In addition to the requested Ordinance, we desire to enter into a contract with the City for the use of its poles where same can be used under the standards of safety established in the National Electric Safety Code for which we will pay an annual rental of \$1.50 per pole so used.

"Additionally, we desire to enter into a contract with the City of Austin under the terms of which we will purchase all of our electric energy requirements from the City for the operation of such community antenna system; the terms of the contract or contracts to be mutually agreed on and worked out by the legal staff and engineering staff of the City and the Texas corporation.

"Upon passage of the Ordinance to first reading, which we hope will be done today, Mr. George Morrell, who is authorized to act and speak for the management of Midwest Video Corporation, expects to bring in a number of our engineers and other technical men to commence engineering studies to the end that we may commence actual construction on the day the Ordinance granting the authority becomes effective.

"Our studies at the moment are not sufficient for us to advise you what charges and rates we expect to make; however, we are in a position to say to you today that our charges will not exceed the following schedule:

Installation charge	\$125.00
Monthly service charge	4.95
Transfer charge	25.00
Reconnection charge	7.50

"Our services will be available, within practical and economic limits, to all residents of the City of Austin who do not wish to rely on their own individually owned and installed antenna.

"We request the Council to work with us in our efforts to make available to the inhabitants of the City the very best in television, which will, of course, mean that all network programs of the National Broadcasting Company, the Columbia Broadcasting System and the American Broadcasting Company will be yours by the turn of your dial.

"Respectfully submitted,  
MIDWEST VIDEO CORPORATION  
(By) (Sgd) C. E. Palmer,  
President"

Along with the application was presented a proposed ordinance. (On file under T V) Mayor Miller pointed out that some technical studies would be necessary regarding the use of the city poles, and that it would be necessary to have some hearings. Further discussion was scheduled for 2:30 P.M. this date.

MR. PEARCE JOHNSON invited the Council to a barbecue March 2nd, sponsored by the Del Valle Booster Club, at the Del Valle Junior-Senior High School, from 5:00 to 8:00 P.M.

The Council, at the request of MR. MORGAN PEARCE, Attorney, postponed hearing until March 7th on the following zoning application.

W. E. THOMPSON

1000-02 West 33rd St.  
3300-3308 Lamar Blvd.

From "C" Commercial  
To "C-2" Commercial  
NOT Recommended

Pursuant to published notice thereof the following zoning applications were publicly heard:

MIKE BUTLER &  
DAVID McCULLOUGH

404 West 30th Street

From "B" Residence  
To "O" Office  
NOT Recommended by the  
Planning Commission

MR. BUCK McCULLOUGH, MR. TOM DAVIS, President of the Local Unit of the American Cancer Society, urged the change of zone. MR. HERBERT AREND, representing his sister, favored the change. Opposition was expressed by MRS. CLARENCE STUMPF, MR. & MRS. GREENWOOD WOOTEN, who owned a large apartment house; and MRS. R. N. COOK, 3006 Hemphill Park, who feared the change of zoning would affect the renting of her property. The Council deferred action.

JAMES D. SPILLAR  
By Alvis & Carssow

7010 Burnet Road

From "A" Residence  
To "C-1" Commercial  
RECOMMENDED by the  
Planning Commission

C. E. ALVIS, JR., MR. SPILLAR, MR. ROBINSON, former owner of the property; and MR. CARSSOW, spoke favoring the change. Opposition was expressed by CECIL SHAW, CHARLES M. FRANCIS, ALBERT LEE CHASE, REV. OXNEY, Episcopal Church; and THOMAS F. RYAN. The Council deferred action.

CHARLIE BROWN, JR.

1813-15 Walnut Avenue  
2701-03 East 19th  
Street

From "A" Residence  
To "LR" Local Retail  
NOT Recommended by the  
Planning Commission

KENNETH LAMPKIN represented the applicant. MR. W. T. CASWELL stated he recently purchased the property and wanted to build a filling station there. MR. JULIUS FRANKE represented the Holy Cross Hospital in opposition. DR. WILLIAMS, Secretary of the Staff, objected to the change as first heard, but did not know if the staff would object to the new development of constructing a filling station there. JUDGE and MRS. McCLENDON opposed the change representing some negro home owners in the community. DR. GIVENS also protested. The Council postponed action until MARCH 21st.

JAMES G. HAMER  
ALEX LEWIS  
By F. F. Knight

1505-11 Kinney Avenue  
1500-12 So. Lamar Blvd.

From "A" Residence  
To "GR" General Retail  
RECOMMENDED by the  
Planning Commission  
To grant all of pro-  
perty except the W.  
150' abutting Kinney  
Avenue & except

property located by  
survey for Collier St.  
right-of-way

MR. STINSON appeared in the interest of an opening of a street into the Center. MR. KNIGHT stated this opening would be provided. Opposition was expressed by D. C. CURRY, and MRS. EFFIE HOLT, who withdrew their opposition when they found out the property on Kinney Avenue was not to be changed. The Mayor asked those who wished to grant the change as recommended by the Planning Commission to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller  
Noes: None  
Absent: Councilman Pearson

The Mayor announced the change to "GR" General Retail had been granted on all of the property except the West 150' abutting Kinney Avenue and except property located by survey for Collier Street right-of-way and the City Attorney was instructed to draw the necessary ordinance to cover.

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WATT SCHIEFFER

7509-7703 Interregional Highway  
From "A" Residence 1st  
Height and Area &  
"C" Commercial 6th  
Height and Area  
To "D" Industrial 6th  
Height and Area  
RECOMMENDED that West  
938.45' be granted "D"  
Industrial 6th Height  
and Area by the  
Planning Commission

The Mayor asked those who wished to grant the change as recommended by the Planning Commission to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller  
Noes: None  
Absent: Councilman Pearson

The Mayor announced that the change to "D" Industrial 6th Height and Area had been granted for the West 938.45' and the City Attorney was instructed to draw the necessary ordinance to cover.

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JAMES C. MIDDLETON

1614-1618 Manor Road

From "C" Commercial &  
"A" Residence  
To "C" Commercial  
RECOMMENDED by the  
Planning Commission

The Mayor asked those who wished to grant the change to "C" Commercial to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller  
Noes: None  
Absent: Councilman Pearson

The Mayor announced the change to "C" Commercial had been granted and the City Attorney was instructed to draw the necessary ordinance to cover.

The Council recessed until 2:30 P.M.

Recessed Meeting

2:30 P.M.

At 2:30 P.M. the Council resumed its meeting.

MR. RICHARD SCHMIDT came before the Council asking payment of \$1927.00. The City Manager stated a suit had been filed against the city and it was settled. The Mayor stated the Council would get all the facts explained; and if Mr. Schmidt had any thing due him, he ought to have it; if he did not, then there was nothing the Council could do about it. He told Mr. Schmidt the Council would look into the matter and let him know as soon as it could.

Mayor Miller announced, regarding the community antenna proposals that there had been long distance calls from Mr. Eddie Joseph, and from Mr. Louis Novy, asking a chance to present their case. He read the following letter from Mr. Karl Hoblitzelle, of Interstate Circuit, Inc.:

"February 25, 1957

"The Honorable Tom Miller  
Mayor of the City of Austin  
Austin, Texas

"Dear Mr. Miller:

"Several systems of closed-circuit TV are being promoted by which programs originating in a central studio would be "piped" into individual homes by cable, a charge being made on a monthly basis for the service. This has also been called Toll-TV, and Pay-As-You-See-TV.

"Already in some cities and towns the City Government has been approached to issue a franchise which would permit such a system to be installed.

"Interstate Circuit, Inc. is probably the oldest, largest and most experienced amusement company in the South. We have operated theatres in your city for very many years, and over this period of time have paid in the aggregate a huge sum of money to the City in franchise taxes and real estate taxes. This company is now making a close and careful study of this new proposed entertainment medium. There are several different techniques and equipments being offered.

"In general, it is our feeling at this time that this new medium seems to have

certain advantages, but on the other hand, we visualize many other implications, which can result in some harm to a community. Consideration should be given to the effect of this medium on shopping habits, on movie-going habits, on free TV, and so on and on. We are also making a study of these factors. The purpose of this letter is to submit these observations to your City Government:

"1. If your City is approached by a group or syndicate interested in installing a Toll-TV apparatus in your community, we believe the City should give it full, cautious and thoughtful consideration and that formal hearings be scheduled so that all elements of the community can be heard.

"2. As stated, this company is now making a very careful and thorough study of this whole proposition. We have men in our organization who are trained in electronic engineering who will spend much of their time in the weeks ahead analyzing these proposed techniques and evaluating them.

"3. If in the final analysis, this concept of closed circuit-TV seems sound, workable, and in the best interest of your community, then we will come forward and seek to negotiate with your City for the right to serve this new medium to your community.

"We believe that our long history of operating well conducted motion picture theatres and our long history of "community service" will commend to you our desire to approach this matter constructively, and in the best interests of the whole community.

"Sincerely,  
(Sgd) Karl Hoblitzelle "

MR. EVERETT LOONEY gave statistics on TV stations throughout the United States, explained the set up under the new organization--the Cable Company will use KTBC-TV's \$250,000 tower and pay rent, provided the engineers and manufacturers were satisfied that the location was the best; and KTBC-TV was convinced Midwest had the know-how, experience and finances to give the City the best. He answered questions on the quality of programs that would be carried over KTBC-TV, stating they would never go down, but would continue to compete with all free entertainment. Mr. Looney asked that the ordinance be passed to its first reading this date, so that the technical work could get started. If not, he asked that the Council authorize the City Attorney to work on a franchise, the Electric Department to work with the engineers, so that by next Thursday, the Council would have something definite recommended by them. MR. ROBERT MORRELL explained the operations as carried on in Texas and in the country--that it was a luxury and not a necessity, and would not affect the programming of the local TV stations. MR. BILL HELLUMS, representing Interstate Theatres, requested the Council take no action on this today, but to schedule a hearing some 10-14 days from now and let the motion picture representatives appear--he, Mr. Novy, and Mr. Eddie Joseph. Councilman Long wanted to have public meetings, and to have plenty of time to look into the whole matter. MAYOR MILLER outlined previous meetings, and made inquiries into the plans--if the motion picture interests were conflicting interest--where would the lines go, how would they use the underground systems, and if the service would be available to everyone in Austin. MR. LOONEY answered questions, in that the Company would try to serve everyone, altho they would not be able to run 1000 feet of cable for only one customer. He also reported briefly on a poll that had been made in Austin on the community-antenna service. He was to furnish the Council with a copy of the questionnaire.

MR. HELLUMS in answer to the Mayor's question, stated they wanted to bid for the franchise the same as the others; otherwise, the proposal would put them out of business, and they wanted to protect their interests. MR. JOE HILL asked the Council not to take action on the franchise until the public had more time to find out about it; and that the Council approach this proposal with deliberation and caution. MR. EDDIE JOSEPH speaking for himself and others in the theatre interests, asked the Council to postpone any hearing until the motion picture industry could present their case and submit an offer. Mayor Miller stated the Council would not act hurriedly; that the companies appearing on January 10th were told that when they had a written proposal, the Council would be glad to hear it. He asked the Interstate to submit its proposal. He stated the Council would hear the matter fairly in the best interests of the people of Austin. The Mayor announced the Council would meet at 2:30 P.M., Tuesday, March 19th.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Southern Union Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in EAST 19TH STREET, from Cedar Avenue westerly 60 feet, the centerline of which gas main shall be  $6\frac{1}{2}$  feet south of and parallel to the north property line of said EAST 19TH STREET.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(2) A gas main in WEST OLTORF STREET, from South 1st Street westerly 145 feet, the centerline of which gas main shall be  $13\frac{1}{2}$  feet south of and parallel to the north property line of said OLTORF STREET.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(3) A gas main in WEST OLTORF STREET, from South 3rd Street easterly 108 feet, the centerline of which gas main shall be  $13\frac{1}{2}$  feet south of and parallel to the north property line of said WEST OLTORF STREET.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.



(4) A gas main in GARDEN STREET, from Lynn Street easterly 1,506 feet to end of Garden Street east of Mildred Street, the centerline of which gas main shall be 16' south of and parallel to the north property line of said GARDEN STREET.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(5) A gas main in ANGELINA STREET, from a point 241 feet north of Hackberry Street northerly 89 feet, the centerline of which gas main shall be 25 feet west of and parallel to the east property line of said ANGELINA STREET.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(6) A gas main in EAST 4TH STREET, from a point 79 feet west of Linden Street easterly to Tillery Street, the centerline of which gas main shall be  $6\frac{1}{2}$  feet south of and parallel to the north property line of said EAST 4TH STREET.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(7) A gas main in DURWOOD STREET, from a point 583 feet south of Durwood Street, southerly 98 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet west of and parallel to the east property line of said DURWOOD STREET.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(8) A gas main in CAMERON ROAD, from a point 51 feet north of East 52nd Street southerly 135 feet, the centerline of which gas main shall be 17 feet east of and parallel to the west property line of said CAMERON ROAD.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(9) A gas main in HANCOCK DRIVE, from a point 68 feet west of Bull Creek Road westerly 95 feet, the centerline of which gas main shall be  $6\frac{1}{2}$  feet south of and parallel to the north property line of said HANCOCK DRIVE.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

THAT Southern Union Gas Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Southern

Union Gas Company required definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Southern Union Gas Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller

Noes: None

Absent: Councilman Pearson

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a filling station site the property located at the northeast corner of East 7th Street and Springdale Road, which property fronts 176.84 feet on East 7th Street and 150 feet on Springdale Road, being known as a portion of the J. C. Tannehill League in the City of Austin, Travis County, Texas, and hereby authorizes the said Capitol City Oil Company to construct, maintain, and operate a drive-in gasoline filling station and to construct burbs, ramps, and sidewalks in conjunction therewith subject to the same being constructed in compliance with all ordinances relating thereto, and further subject to the foregoing attached recommendations and plans. The Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper Police, Traffic and Fire regulations; and the right of revocation is retained, if after hearing it is found by the City Council that the said Capitol City Oil Company has failed and refused and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"February 28, 1957

"Mr. W. T. Williams, Jr.  
City Manager  
Austin, Texas

"Dear Sir:

"We, the undersigned, have considered the application of Capitol City Oil

Company for permission to construct, maintain, and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon the property located at the northeast corner of East 7th Street and Springdale Road, which property fronts 176.84 feet on East 7th Street and 150 feet on Springdale Road, being known as a portion of the J. C. Tannehill League in the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by Capitol City Oil Company and is under lease to Phillips Petroleum Company. We hereby advise that the following conditions exist.

"The property upon which this filling station is to be located is designated as "D" Industrial District upon the zoning maps of the City of Austin.

"All drainage, natural or otherwise, from this filling station is to be disposed of in such a manner that such drainage will not flow across the sidewalk area into the street, and furthermore, shall not create a nuisance to others in the neighborhood. It is understood that the disposal of such drainage shall be entirely the responsibility of the property owner. Any waste connection to a storm sewer which empties into an open drainageway shall be discontinued, if the waste becomes a nuisance or damages any property or rights of others in the vicinity of the open drainageway.

"We recommend that Capitol City Oil Company be granted permission to construct, maintain, and operate said drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith subject to the following conditions.

"(1) That all buildings and equipment shall be placed inside of the property line; correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the Department of Public Works for entrances and driveways; building lines to be approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works as to future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

"(2) That only underground tanks shall be used, and that all pumps shall be so located that it will be impracticable to service motor vehicles therefrom while said motor vehicles are standing on any part of a sidewalk, street, or alley.

"(3) That the gasoline tanks, pumps, and all equipment used in connection with the storage and handling of gasoline shall be an approved type and shall bear the label of Underwriters Laboratories, Inc., and that all construction of the filling station improvements shall be in accordance with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accordance with the ordinance prohibiting the disposal of commercial water or oils upon the City Streets.

"(4) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2-H-146.

"(5) That all filling station improvements, pump islands, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan, hereto attached, which plan bears the Department of Public Works file number 2-H-1498.

"(6) Expansion joints shall be constructed as shown upon the plan, hereto attached, marked 2-H-1498 and shall be of the premoulded type.

"(7) When the owner considers that he has complied with all the requirements of the City of Austin for filling stations, he shall apply for a final inspection, and upon approval, the Building Inspector shall issue a Certification of Operation before such filling station can be put into service.

"Respectfully submitted,  
(Sgd) S. Reuben Rountree, Jr.  
Director of Public Works  
(Sgd) J. C. Eckert  
Building Inspector"

The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller

Noes: None

Absent: Councilman Pearson

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, T. A. Webb is the Contractor for the demolition of a building located at 201-203 East 6th Street and desires a portion of the sidewalk and street space abutting Lot 12, Block 57, of the Original City of Austin, Travis County, Texas, during the demolition of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT the space for the uses hereinabove enumerated be granted to said T. A. Webb, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northeast corner of the above described property; thence in a northerly direction and at right angles to the center line of East 6th Street to a point 6 feet north of the south curb line; thence in a westerly direction and parallel with the center line of East 6th Street approximately 46 feet to a point; thence in a southerly direction and at right angles to the center line of East 6th Street to the northwest corner of the above described property; thence in a westerly direction and at right angles to the center line of Brazos Street to a point 6 feet west of the east curb line; thence in a southerly direction and parallel with the center line of Brazos Street approximately 20 feet to a point; thence

in an easterly direction and at right angles to the center line of Brazos Street to the west line of the above described property.

2. THAT the above privileges and allotment of space are granted to the said T. A. Webb, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall construct a guard rail within the boundary line of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.

(2) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That "No Parking" signs shall be placed on the street side of the barricades.

(5) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

(6) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(7) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(8) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(9) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than March 5, 1957.

(10) That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(11) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(12) That any public utility, or public or private property disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City Forces, or public utilities, shall be replaced or repaired at the Contractors expense.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1000), which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller

Noes: None

Absent: Councilman Pearson

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Thomas Brothers Construction Company is the Contractor for the erection of a building located at 1903 University Avenue and desires a portion of the sidewalk and street space abutting Lots 11 & 12, Outlot 19, Division D, of the City of Austin, Travis County, Texas, during the erection of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said Thomas Brothers Construction Company, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northwest corner of the above described property; thence in a westerly direction and at right angles to the center line of University Avenue to a point 6 feet west of the east curb line; thence in a southerly direction and parallel with the center line of University Avenue approximately 146 feet to a point; thence in a easterly direction and at right angles to the center line of University Avenue to the southwest corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Thomas Brothers Construction Company, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall construct a guard rail within the boundary lines of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.

(2) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That "No Parking" signs shall be placed on the street side of the barricades.

(5) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

(6) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(7) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(8) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(9) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than August 31, 1957.

(10) That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(11) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(12) That any public utility, or public or private property disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City Forces, or public utilities, shall be replaced or repaired at the Contractors expense.

(2) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That "No Parking" signs shall be placed on the street side of the barricades.

(5) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

(6) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(7) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(8) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(9) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than March 15, 1957.

(10) That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(11) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part of all of said space any time with its public utilities, or for other necessary public purposes.

(12) That any public utility, or public or private property disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the contractor, City Forces, or public utilities, shall be replaced or repaired at the Contractors expense.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1000), which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all



other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The motion, seconded by Councilman White, carried by the following vote:  
Ayes: Councilmen Long, Palmer, White, Mayor Miller  
Noes: None  
Absent: Councilman Pearson

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on the 4th day of February, 1957, bids were received by the City of Austin for the concession rights at Zilker Springs for the calendar years 1957 and 1958; and,

WHEREAS, the bid of Burke Matthews for the payment to the City of Thirty-one and one-tenth percent (31.1%) of the gross receipts of all sales, was the highest and best bid; and,

WHEREAS, the acceptance of such bid has been recommended by the Director of the Recreation Department of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That said bid of Burke Matthews be and the same is hereby accepted, and W. T. Williams, Jr., City Manager, is hereby authorized and directed to execute a contract with the said Burke Matthews for the operation of concessions at Zilker Springs during the years 1957 and 1958.

The motion, seconded by Councilman Palmer, carried by the following vote:  
Ayes: Councilmen Long, Palmer, White, Mayor Miller  
Noes: None  
Absent: Councilman Pearson

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

SECTION 1. The pending proposed Offer for an Urban Area Survey Advance under Title I of the Housing Act of 1949, as amended by all amendatory and supplemental acts, numbered Contract No. Tax. R-5(S) (A), in the amount of \$18,008.00 and relating to plans and surveys of the nature contemplated by said Title I, by and between the City of Austin, Texas, (herein called the "Local Public Agency") and the United States of America (herein called the "Government"), is hereby approved.

SECTION 2. The City Manager is hereby authorized and directed to execute the said Offer for an Urban Area Survey Advance in two counterparts on behalf

of the Local Public Agency, and the City Clerk is hereby authorized and directed to impress and attest the official seal of the Local Public Agency on each such counterpart and to forward one counterpart to the Housing and Home Finance Agency, together with such other documents relative to the approval and execution of such counterparts and to this Resolution as may be required by the Government.

SECTION 3. The City Manager is hereby authorized to file requisitions, together with necessary supporting documents, with the Government, in accordance with the Contract for Advance, requesting payments to be made on account of the Advance provided for in the Contract for Advance, and to do and perform all other things and acts required to be done or performed in order to obtain such payments.

SECTION 4. This Resolution shall take effect immediately.

The motion, seconded by Councilman White, carried by the following vote:  
Ayes: Councilmen Long, Palmer, White, Mayor Miller  
Noes: None  
Absent: Councilman Pearson

There being no further business the Council adjourned at 6:15 P.M.  
subject to the call of the Mayor.

APPROVED

Tom Miller  
Mayor

ATTEST:

Elin Nussley  
City Clerk